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PATENT  
ATTORNEY DOCKET NO. 01997/201006

Certificate of Mailing: Date of Deposit: August 30, 2004

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janet D'Annunzio-Ellis  
Printed name of person mailing correspondence

Janet D'Annunzio-Ellis  
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Horvitz et al.	Art Unit:	1632
Serial No.:	09/993,420	Examiner:	S. Chen
Filed:	November 6, 2001	Customer No.:	21559
Title:	IDENTIFICATION AND CHARACTERIZATION OF A GENE WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH AND USES THEREFOR		

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 C.F.R. §§ 1.8(b) and 1.181, Applicants hereby petition to have the Notice of Abandonment that was mailed in connection with the above-captioned case on July 27, 2004 withdrawn. A copy of the Notice is enclosed. According to the Notice, the application was abandoned under 37 C.F.R. § 1.135 for Applicants' failure to reply to a Notice Regarding Drawings that was mailed on April 22, 2004. Prior to receipt of the Notice of Abandonment, the last Office communication received by Applicants was a Notice of Allowance and Notice of Allowability mailed on December 10, 2003. As set

forth below, Applicants filed a timely and complete reply to these Notices on February 19, 2004. Further, as noted below, the Notice Regarding Drawings referred to in the Notice of Abandonment was apparently mailed to an address associated with an unrelated application, and was never received by Applicants.

The undersigned, Applicants' attorney of record, first became aware of the abandonment on July 30, 2004, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 C.F.R. § 1.8(b)(1).

As shown on the enclosed Patent Application Information Retrieval ("PAIR") printout from August 17, 2004, the file history for USSN 09/993,420 does not indicate that a Notice Regarding Drawings was mailed in connection with this case. Applicants were able to view a copy of the Notice Regarding Drawings referred to in the Notice of Abandonment using the Image File Wrapper ("IFW") section of the PAIR site for USSN 09/993,420. (A copy of a printout of this Notice is enclosed.) Applicants note that the Notice Regarding Drawings bears a cover sheet for USSN 09/883,420 and a mailing address for a party other than the instant Applicants' representative. Further, the application serial number at the top of the Notice of Draftsperson's Patent Drawing Review attached to the Notice Regarding Drawings is illegible on the copy posted on the

IFW. Thus, Applicants submit that the record is unclear as to whether the Notice Regarding Drawings refers to the present application.

Applicants submit that on February 19, 2004, they filed a complete reply to the last communication received from the Office (the Notice of Allowability and Notice of Allowance). A copy of the Reply, as filed, is enclosed. Also enclosed is a copy of the postcard included with the Reply which bears a USPTO stamp dated February 23, 2004. Under M.P.E.P. § 503, this return postcard serves as *prima facie* evidence that the listed items were received by the USPTO on February 23, 2004.

Also enclosed is an original signed declaration by Kristina Bieker-Brady, Ph.D., P.C., attesting on the basis of personal knowledge that the above documents were timely filed on February 19, 2004, and that the Notice Regarding Drawings mailed April 22, 2004 was not received.

Applicants note that the Notice of Allowability mailed on December 10, 2003 indicates that “the drawings filed on 05 November 2001 are accepted by the Examiner” (see box 3 of the enclosed copy of the Notice of Allowability). Nonetheless, while the Notice Regarding Drawings was apparently mailed in connection with an unrelated application, Applicants, in good faith, herewith submit corrected drawings for Figures 2, 7, and 11. These corrected drawings contain no new matter.

USSN 09/993,420  
Atty Dkt 01997/201006

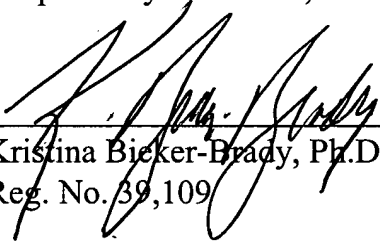
Applicants submit that the reply to the last Office communication was timely filed, that the Notice Regarding Drawings mailed April 22, 2004 was never received, that all known requirements have been fulfilled. Accordingly, Applicants respectfully request that the Notice of Abandonment be withdrawn and the application be allowed to proceed to issuance.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

August 30, 2004

  
\_\_\_\_\_  
Kristina Bieker-Brady, Ph.D., P.C.  
Reg. No. 39,109

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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SEP 01 2004

APPLICATION	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,420	07/06/2001	H. Robert Horvitz	01997/201006	1286

21559 7590 07/27/2004

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

JUL 30 2004

CLARK & ELBING LLP

EXAMINER

CHEN, SHIN LIN

ART UNIT

PAPER NUMBER

1632

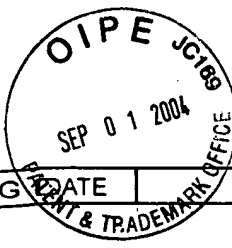
DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

ACTION DUE With abandon.  
DUE DATE 9.27.04  
INITIALS mh

ACTION DUE Per 7 to Revive  
DUE DATE 7.27.05  
INITIALS mh

COPY



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/993420

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/22/14

☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).

☒ No reply has been received.

☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).

☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.

☐ The issue fee and publication fee, if applicable, have not been received.

☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

☐ No corrected drawings have been received.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

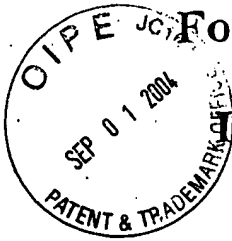
☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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# Attachment to Notice of Abandonment



For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

## Respond to the Notice of Abandonment by one of the following:

1. **Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing, or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

2. **Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

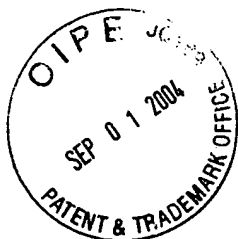
3. **Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



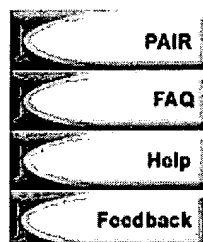
COPY



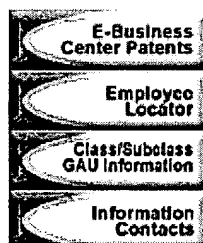
United States Patent and Trademark Office

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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Printer Friendly Version

Search results as of: 8-17-2004::10:1:26 E.T.

Search results for application number:09/993,420			
Application Number:	09/993,420	Customer Number:	21559
Filing or 371(c) Date:	11-06-2001	Status:	Abandonment for Failure to Correct Drawings/Oath/NonPub Request
Application Type:	Utility	Status Date:	07-27-2004
Examiner Name:	CHEN, SHIN LIN	Location:	ELECTRONIC
Group Art Unit:	1632	Location Date:	-
Confirmation Number:	1286	Earliest Publication No:	US 2003-0064476 A1
Attorney Docket Number:	01997/201006	Earliest Publication Date:	04-03-2003
Class/ Sub-Class:	424/093.21	Patent Number:	-
First Named Inventor:	H. Horvitz, Aurburndale, MA (US)	Issue Date of Patent:	-
Title Of Invention:	IDENTIFICATION AND CHARACTERIZATION OF A GENE WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH AND USES THEREFOR		

Select Search Option

Assignments

Continuity Data

Display References

Image File Wrapper

Patent Term Adjustment History

Search

File History	
Date	Contents Description
07-27-2004	Mail Abandonment for Failure to Correct Drawings/Oath



COPY

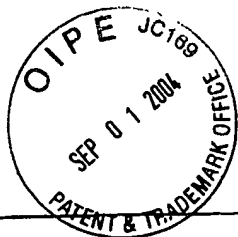
07-27-2004	Abandonment for Failure to Correct Drawings/Oath/NonPub Request
05-03-2004	Workflow - Query Request - Finish
04-16-2004	Receipt into Pubs
04-16-2004	Workflow - Query Request - Begin
04-13-2004	Receipt into Pubs
04-06-2004	Application Is Considered Ready for Issue
02-23-2004	Mailroom Date of Issue Fee Payment
11-06-2001	Workflow - Drawings Finished
03-26-2004	Receipt into Pubs
02-23-2004	Issue Fee Payment Recorded
01-30-2004	Notification of Terminal Disclaimer - Accepted
01-08-2004	Workflow - File Sent to Contractor
12-23-2003	terminal disclaimer fee paid
12-04-2003	Terminal Disclaimer Filed
12-17-2003	Correspondence Address Change
12-01-2003	Terminal Disclaimer Filed
12-10-2003	Mail Notice of Allowance
12-10-2003	Mail Notification of Terminal Disclaimer - Accepted
12-09-2003	Notice of Allowance Data Verification Completed
12-09-2003	Case Docketed to Examiner in GAU
12-09-2003	Issue Revision Completed
12-09-2003	Notice of Allowability
12-04-2003	Notification of Terminal Disclaimer - Accepted
10-03-2003	Date Forwarded to Examiner
09-15-2003	Response after Non-Final Action
09-15-2003	Request for Extension of Time - Granted
09-15-2003	Information Disclosure Statement (IDS) Filed
03-12-2003	Mail Non-Final Rejection
03-08-2003	Non-Final Rejection
09-04-2002	Case Docketed to Examiner in GAU
08-27-2002	Application Dispatched from OIPE
08-25-2002	Receipt of all Acknowledgement Letters
08-16-2002	Application Is Now Complete
07-26-2002	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in
07-26-2002	CRF Disk Has Been Received by Preexam / Group / PCT
07-26-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
07-26-2002	Applicant has submitted a new specification to correct Corrected Papers problems
08-12-2002	CRF Is Good Technically / Entered into Database
12-07-2001	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated
01-24-2002	Notice Mailed--Application Incomplete--Filing Date Assigned
12-26-2001	CRF Is Flawed Technically / Not Entered into Database
12-06-2001	IFW Scan & PACR Auto Security Review
12-04-2001	IFW Scan & PACR Auto Security Review

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11-06-2001	CRF Disk Has Been Received by Preexam / Group / PCT
11-06-2001	Initial Exam Team nn

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER <b>09/883420</b>	FILING/RECEIPT DATE <b>06/18/2001</b>	FIRST NAMES APPLICANT <b>BROWN, RAY</b>	ATTORNEY DOCKET NUMBER <b>PH-35</b>
--	--	--	--

**MARK P. BOURGEOIS**  
**P.O. BOX 95**  
**OSCEOLA IN 46561**

Examiner  
**HAAS, WENDY**

Art. Unit  
**1661**

Paper Number

Date Mailed: **04-22-04**

## Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on **11-6-01** are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review

### RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

*Joshua D. Chase*  
Joshua D. Chase

Office of Patent Publication,

Publishing Division

703-305-8404

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Application No: 47131720

U.S. Patent and Trademark Office

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 11-6-01 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

**1. DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) \_\_\_\_\_  
☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS.** 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) \_\_\_\_\_  
☐ Photographs may not be mounted. 37 CFR 1.84(e)  
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) \_\_\_\_\_  
☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER.** 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_  
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4) or  
☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)  
☐ All drawing sheets not the same size. Sheet(s) \_\_\_\_\_

☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS.** 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

☒ Margins not acceptable. Fig(s) 2, 11  
☒ Top (T) ☒ Left (L)  
☐ Right (R) ☐ Bottom (B)

**6. VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☒ Views not labeled separately or properly.

Fig(s) 2, 7

**7. SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

**9. SCALE.** 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) \_\_\_\_\_

**11. SHADING.** 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) \_\_\_\_\_  
☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible. Fig(s) \_\_\_\_\_  
☐ Figure legends are poor. Fig(s) \_\_\_\_\_  
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) \_\_\_\_\_  
☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) \_\_\_\_\_  
☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) \_\_\_\_\_

**13. LEAD LINES.** 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) \_\_\_\_\_

**14. NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) \_\_\_\_\_

**15. NUMBERING OF VIEWS.** 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**16. DESIGN DRAWINGS.** 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) \_\_\_\_\_

COMMENTS:



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PATENT  
ATTORNEY DOCKET NO. 01997/201006

Certificate of Mailing: Date of Deposit: February 19, 2004

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christine M. Colbert

Printed name of person mailing correspondence

Christine M. Colbert  
Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Horvitz et al.	Art Unit:	1632
Serial No.:	09/993,420	Examiner:	S. Chen
Filed:	November 6, 2001	Customer No.:	21559
Title:	IDENTIFICATION AND CHARACTERIZATION OF A GENE WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH AND USES THEREFOR		

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REPLY TO NOTICE OF ALLOWANCE AND NOTICE OF ALLOWABILITY

In reply to the Notice of Allowance mailed in connection with the above-captioned case on December 10, 2003, and having confirmation number 1286, and the Notice of Allowability mailed on December 10, 2003, enclosed are:

- ☒ A completed fee transmittal form PTOL-85; and
- ☒ A check for \$995.00 to cover the issue fee required by 37 C.F.R. § 1.18(a) of \$665.00, the publication fee of \$300.00, and the patent copy fee required by 37 C.F.R. § 1.19(a)(1)(i) of \$30.00 for ten patent copies.

# COPY

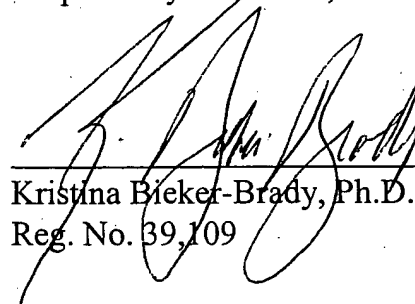
Please note that the entity status of this application has changed. Applicants hereby claim small entity status, pursuant to 37 C.F.R. § 1.27.

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

February 19, 2004



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Kristina Bieker-Brady, Ph.D.

Reg. No. 39,109

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for depositing the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

21559 7590 12/10/2003

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Christine M. Colbert (Depositor's name)  
Christine M. Colbert (Signature)  
February 19, 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,420	11/06/2001	H. Robert Horvitz	01997/201006	1286

TITLE OF INVENTION: IDENTIFICATION AND CHARACTERIZATION OF A GENE WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH AND USES THEREFOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/10/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHEN, SHIN LIN	1632	424-093210

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Clark & Elbing LLP

2. \_\_\_\_\_

3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Massachusetts Institute of Technology Cambridge, MA

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee  
☒ Advance Order - # of Copies Ten

## 4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-2095 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

PAY AMOUNT OF \$1751.00

TO THE ORDER OF

DIRECTOR OF PATENTS & TRADEMARKS

DOLLARS

CHECK NUMBER

1751

CHECK AMOUNT

\$ 995.00

DATE

01/19/04

DESCRIPTION

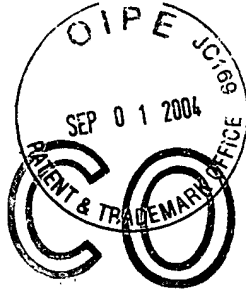
01997/201006

US Bank Lynch WMA ACCOUNT  
BANK OF AMERICA, N.A.  
BOSTON, MA 02110

110017511 10440008041 04113051396

SECURITY MARKING  
SECURITY MARKING  
SECURITY MARKING

*[Signature]*



COPY

\*\*PROSECUTION\*\* PATENT ATTORNEY DOCKET NUMBER: 01997/20

The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: HORVITZ ET AL.

Serial/Patent Number: 09/993,420

Filed/Issued: NOVEMBER 6, 2001

Title: IDENTIFICATION AND CHARACTERIZATION OF A GENE...

Transmittal Letter Pages:   
Notice to File Missing Parts Pages:   
Reply to Missing Parts Pages:   
Reply to Office Action Pages:   
Petition for Extension Pages:   
Notice of Appeal Pages:   
Appeal Brief Pages:   
Drawings Formal/Informal Pages:   
M-Fee Payment Pages:   
Issue Fee Payment Pages:   
Check \$: 995.00   
Other PTOL-85 Form   
Other   
REPLY TO NOTICE OF ALLOWANCE AND NOTICE OF   
Other   
Other

Atty/Secy: KBB/JNT/cc Client/Matter Name:   
D:

\*\*PROSECUTION\*\* PATENT ATTORNEY DOCKET NUMBER: 01997/201006

The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: HORVITZ ET AL.

Serial/Patent Number: 09/993,420

Filed/Issued: NOVEMBER 6, 2001

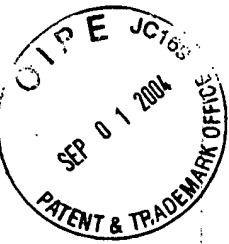
Title: IDENTIFICATION AND CHARACTERIZATION OF A GENE...

Transmittal Letter Pages:   
Notice to File Missing Parts Pages:   
Reply to Missing Parts Pages:   
Reply to Office Action Pages:   
Petition for Extension Pages:   
Notice of Appeal Pages:   
Appeal Brief Pages:   
Drawings Formal/Informal Pages:   
M-Fee Payment Pages:   
Issue Fee Payment Pages:   
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Other PTOL-85 Form   
Other   
REPLY TO NOTICE OF ALLOWANCE AND NOTICE OF   
Other   
Other

Atty/Secy: KBB/JNT/cc Client/Matter Name:   
Date: 02/19/04







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**\*\*PROSECUTION\*\***

PATENT  
ATTORNEY DOCKET NUMBER: 01997/201006

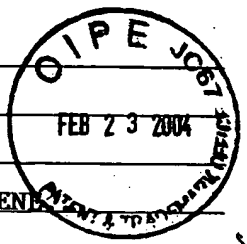
The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: HORVITZ ET AL.

Serial/Patent Number: 09/993,420

Filed/Issued: NOVEMBER 6, 2001

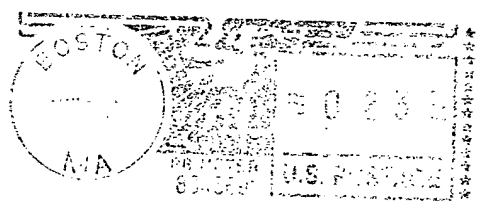
Title: IDENTIFICATION AND CHARACTERIZATION OF A GEN



<input checked="" type="checkbox"/> Transmittal Letter	Pages: _____	<input type="checkbox"/> Declaration & POA	Pages: _____
<input type="checkbox"/> Notice to File Missing Parts	Pages: _____	<input type="checkbox"/> Assignment & Cover Sheet	Pages: _____
<input type="checkbox"/> Reply to Missing Parts	Pages: _____	<input type="checkbox"/> Change of Address	Pages: _____
<input type="checkbox"/> Reply to Office Action	Pages: _____	<input type="checkbox"/> Preliminary Amendment	Pages: _____
<input type="checkbox"/> Petition for Extension	Pages: _____	<input type="checkbox"/> IDS	Pages: _____
<input type="checkbox"/> Notice of Appeal	Pages: _____	<input type="checkbox"/> Form PTO-1449	Pages: _____
<input type="checkbox"/> Appeal Brief	Pages: _____	<input type="checkbox"/> Cited References	Number: _____
<input type="checkbox"/> Drawings Formal/Informal	Pages: _____	<input type="checkbox"/> Sequence Listing	Pages: _____
<input type="checkbox"/> M-Fee Payment	Pages: _____	<input type="checkbox"/> Sequence Statement	Pages: _____
<input type="checkbox"/> Issue Fee Payment	Pages: _____	<input type="checkbox"/> Sequence Diskette	Number: _____
<input checked="" type="checkbox"/> Check	\$: <u>995.00</u>	<input checked="" type="checkbox"/> Other <u>PTOL-85 Form</u>	Pages: <u>1</u>
<input checked="" type="checkbox"/> Other <u>REPLY TO NOTICE OF ALLOWANCE AND NOTICE OF</u>			Pages: _____
<input type="checkbox"/> Other <u>ALLOWABILITY</u>			Pages: <u>2</u>
<input type="checkbox"/> Other _____			Pages: _____

Atty/Secy: KBB/JNT/cc Client/Matter Name: \_\_\_\_\_

Date: 02/19/04

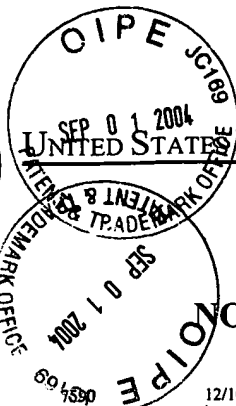


Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110

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FEB 26 2004





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

21559

12/10/2003

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

ACTION DUE issue fee  
DUE DATE 3.10.04  
INITIALS mh/gul

EXAMINER

CHEN, SHIN LIN

ART UNIT

PAPER NUMBER

1632

DATE MAILED: 12/10/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,420	11/06/2001	H. Robert Horvitz	01997/201006	1286

TITLE OF INVENTION: IDENTIFICATION AND CHARACTERIZATION OF A GENE WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH AND USES THEREFOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/10/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

21559 7590 12/10/2003

CLARK & ELBING LLP  
 101 FEDERAL STREET  
 BOSTON, MA 02110

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,420	11/06/2001	H. Robert Horvitz	01997/201006	1286

TITLE OF INVENTION: IDENTIFICATION AND CHARACTERIZATION OF A GENE WHICH PROTECTS CELLS FROM PROGRAMMED CELL DEATH AND USES THEREFOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/10/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHEN, SHIN LIN	1632	424-093210

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,420	11/06/2001	H. Robert Horvitz	01997/201006	1286
21559	7590	12/10/2003		
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110				
			EXAMINER CHEN, SHIN LIN	
			ART UNIT 1632	PAPER NUMBER

DATE MAILED: 12/10/2003

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

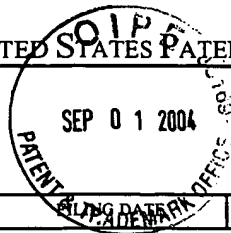
If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	11/06/2001	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,420	11/06/2001	H. Robert Horvitz	01997/201006	1286
21559	7590	12/10/2003	EXAMINER	
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			CHEN, SHIN LIN	
			ART UNIT	PAPER NUMBER
			1632	

DATE MAILED: 12/10/2003

## Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

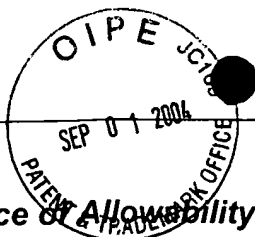
Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

### Section 1.18 Patent post allowance (including issue) fees.

- (a) Issue fee for issuing each original or reissue patent, except a design or plant patent:
- |                                       |            |
|---------------------------------------|------------|
| By a small entity (Sec. 1.27(a))..... | \$665.00   |
| By other than a small entity.....     | \$1,330.00 |
- (b) Issue fee for issuing a design patent:
- |                                       |          |
|---------------------------------------|----------|
| By a small entity (Sec. 1.27(a))..... | \$240.00 |
| By other than a small entity.....     | \$480.00 |
- (c) Issue fee for issuing a plant patent:
- |                                       |          |
|---------------------------------------|----------|
| By a small entity (Sec. 1.27(a))..... | \$320.00 |
| By other than a small entity.....     | \$640.00 |

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**



Application No.

09/993,420

Examiner

Shin-Lin Chen

Applicant(s)

HORVITZ ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

ACTION DUE Reply  
DUE DATE 3-10-04  
INITIALS mn/ave

1. ☒ This communication is responsive to 9-15-03.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 06 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
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| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material           | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other   |

Shin-Lin Chen  
Primary Examiner  
Art Unit: 1632

*Shin-Lin Chen*

SUBSTITUTE FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (MODIFIED) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) (37 CFR §1.98(b))	Attorney Docket No. Serial No. Applicant Filing Date Group IDS Filed	01997/201006 09/993,420 H. Robert Horvitz et al. November 6, 2001 1633 September 12, 2003
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Examiner's Initials	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date (If Appropriate)
gpc	6,465,617	Oct. 15, 2002	Horvitz et al.	530	350	

Examiner's Initials	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation (Yes/No)

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